

WARREN ZONING BOARD
January 15, 2014
Minutes

The regular meeting of the Warren Zoning Board was called to order at 7:00 pm by Vice Chairman A. Harrington. Also present S. Calenda, P. Attemann, Mark Smiley, A. Ellis and Alternate M. Emmenecker.

Special Administrative Item: Election of Officers for 2014

Chairman - A nomination was made by S. Calenda to appoint A. Harrington as Chairman of the Board. Second by A. Ellis. Yea - A. Harrington, S. Calenda, P. Attemann, M. Smiley and A. Ellis.

Vice Chairman- A nomination was made by P. Attemann to appoint S. Calenda as Vice Chairman of the Board. Second by M. Smiley. Yea - A. Harrington, S. Calenda, P. Attemann, M. Smiley and A. Ellis.

Approval of Minutes: November 20, 2013 meeting. It was moved by S. Calenda to accept the minutes. Second by A. Ellis. Yea - A. Harrington, S. Calenda, P. Attemann, M. Smiley and A. Ellis.

Old Business:

Application #13-54; Armand & Sandra Horta, owners and Stephen & Eileen Patistea, applicants; 272 Market Street; plat map 21, lot 138. Continued from the October, November, & December regular meetings.

Robert J. Healey Jr. Esq., 665 Metacom Ave, Warren, represented the applicants Stephen & Eileen Patistea, request for a Special Use Permit from section 32-116. The applicant requests one more continuance to the February 19, 2014 meeting due to a personal issue with the applicant.

Public Comment – NONE

It was moved by S. Calenda to continue Application #13-54 to the February 19, 2014, further documentation to be submitted by the next meeting with the understanding that no other further continuances will be granted. Second by M. Smiley Yea - A. Harrington, S. Calenda, P. Attemann, M. Smiley and A. Ellis.

New Business:

Application #14-1; Charlotta E. Anton, owner and Swanson Construction/Chris Manlove, applicant; 66 Brownell St; plat map 16, lot 193; request for a *Variance* from section 32-89 of the Warren Zoning Ordinance to install a new OWTS within 150' of a water body.

Chris Manlove of Swanson Construction was present to give testimony for Application #14-1, Charlotta E Anton, requesting a Variance from section 32-89 to replace a 90 year old cesspool and install a new OWTS within 150' of a water body.

Public Comment – NONE

It was moved by S. Calenda to approve Application #14-1, Charlotta E. Anton, owner and Swanson Construction/Chris Manlove, applicant; 66 Brownell St; plat map 16, lot 193; request for a *Variance* from section 32-89 of the Warren Zoning Ordinance to install a new OWTS within 150' of a water body. The unique characteristics of this lot require the variance and I make a motion that the request be granted. Second by M. Smiley. Yea - A. Harrington, S. Calenda, P. Attemann, M. Smiley and A. Ellis.

Application #14-2; Blount Fine Foods, owner and O'Connell's Warren Mill Marina, dba PKO Marine, applicant; 341 Water St; plat map 5, lots 2, 28, 48, and 104; request for a *Special Use Permit* from sections 32-51, 32-52, 32-54, and 32-

55 of the Warren Zoning Ordinance to modify several existing *Special Use Permits* that currently govern the property by allowing a boat storage and service business, and for storage of boats within an existing structure.

Town Solicitor S. Federico recues herself and advises the board should there be a need for a Solicitor she has already advised Mr. O'Connell there would need to be a continuance to allow for an alternate.

Robert J. Healey Esq, 665 Metacom Ave, Warren, RI, representing abutter John Quattrocchi III, Plat 4 Lot 112 and Plat 5 Lot 1, located to the north, objects to this application. Mr. Healey would like to bring to the Board's attention that he does not believe that the application has been signed by the land owner or an officer of the business. He also stated that there are four (4) lots on this petition, two of which are owned by Blount Fine Foods and two lots owned by Water Street Landing Realty, LLC. Mr. Healey asks if Mr. Matus is an assigned agent of Water Street Landing Realty, LLC as well. Water Street Landing Realty, LLC was not listed as an owner or applicant on this petition.

John Matus, 22 Common Ln, Riverside, RI, manager and agent of Blount Fine Foods, states that he was granted authorization orally by Todd Blount to act as an agent on Blount Fine Foods behalf.

The applicant requests a continuance to the February 19, 2014 meeting.

It is moved by S. Calenda to continue Application #14-2; Blount Fine Foods, owner and O'Connell's Warren Mill Marina, dba PKO Marine, at the applicant's request to the February 19, 2014 meeting. Second by M. Smiley. Yea - A. Harrington, S. Calenda, P. Attemann, M. Smiley and A. Ellis.

Application #14-3; Joel and Amy Cary, owners and applicants; 51 Miller St; plat map 2, lot 76; request for a *Special Use Permit* from section 32-51 of the Warren Zoning Ordinance to modify an existing *Special Use Permit* by allowing for the expansion of the existing kitchen and create a seating/waiting area by approximately 300 square feet.

Application #14-4; Joel and Amy Cary, owners and applicants; 51 Miller St; plat map 2, lot 76; request for a *Variance* from section 32-105(E) of the Warren Zoning Ordinance to expand the restaurant into existing unused space in the building without the required number of parking and loading spaces.

Joel and Amy Cary owners and applicants were present to give presentation of Application #14-3 and Application #14-4, 51 Miller St, Plat 2 Lot 76, request for a Special Use Permit from section 32-51 and request for a Variance from section 32-105(E). Joel explained that on the plan where you see the proposed kitchen and waiting area is currently unfinished space. The primary objective is to expand the kitchen which will allow for more prep area and on Friday and Saturday evenings when they tend to be busier this would also allow for a waiting area. They are seeking to increase the seating by six (6) to eight (8) seats. They are zoned for and currently have 35 seats. The current operating hours are closed on Sunday and Monday, Tuesday through Thursday 11:30-10:00 pm and Friday and Saturday 11:30- Midnight. They were previously approved to be open 7 days a week. There is a notation on the menu that ask that customers to be respectful the neighboring businesses parking.

Public Comment

Greg Esmay owner of Wharf Tavern, 215 Water St., Warren, his primary concern is the parking issues. He has had to ask Joel to have the Square Peg customers to move their vehicles out of his parking lot.

Brian Aspesi owner of Stella Blues, 50 Miller St, Warren, stated that he has also experienced parking issues and has asked Joel to have Square Peg customers to move out of his parking lot.

Regan Moore, 115 Birch Swamp Rd, Warren, an employee of Stella Blues, and has family who live in this area. She stated there issues with the sidewalk space in front of the Square Peg. They are pulling all of their trash out onto the sidewalk and blocking access.

Andre Asslin, Cutler St, Warren, stated that this has been going on for years in that area. Square Peg first stated that they were going to have pastries. Then they came back and requested an expansion and they still didn't have any

parking. So they went from getting an inch to a foot, so where will it go to a yard or a mile? When it begins to affect other business in the area then that's a problem. Although you want to be business friendly but what is it doing to other businesses in the area.

It is moved by S. Calenda to approve Application #14-3; Joel and Amy Cary, owners and applicants; 51 Miller St; plat map 2, lot 76; request for a *Special Use Permit* from section 32-51 of the Warren Zoning Ordinance to modify an existing *Special Use Permit* by allowing for the expansion of the existing kitchen and prep area by approximately 300 sq. feet, as the applicant has testified, conditional on the following, the expansion area will not be treated as a seating area or waiting area, the hours of will remain the same, they will not go outside the existing foot print, the seating will remain the same with the service maximum of 35 seats and only a fry-o-lator. Second by A. Ellis. Yea - A. Harrington, S. Calenda, P. Attemann, M. Smiley and A. Ellis.

It was moved by S. Calenda to deny Application #14-4 without prejudice. Second by M. Smiley. Yea - A. Harrington, S. Calenda, P. Attemann, M. Smiley and A. Ellis.

Administrative Matters:

Items for future agendas - NONE

Adjourn – S. Calenda moved to adjourn the meeting at 8:18 PM. Second by A. Ellis. Yea - A. Harrington, S. Calenda, P. Attemann, M. Smiley and A. Ellis.